

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

-oOo-

JOE RABB,

Plaintiff,

vs.

GATOR MACHINERY COMPANY,  
INC., a foreign corporation;  
COSCO CONTAINER LINES  
AMERICAS, INC., a foreign  
corporation,

Defendants.

2:10-CV-00698-PMP-PAL

**ORDER**

On December 20, 2010, the Court conducted a hearing regarding Defendant Gator Machinery Company, Inc.'s Renewed Motion to Dismiss Plaintiff's Second Amended Complaint (Doc. #25) and Plaintiff's Counter Motion to Amend/Correct Complaint (Doc. #31). Defendant Gator's Motion to Dismiss has been joined by COSCO Container Lines Americas, Inc., (Doc. #32).

Having considered the fully briefed motions, and the arguments presented by counsel, the Court finds that Defendant Gator Machinery Company, Inc.'s Motion to Dismiss (Doc. #25) should be granted, Plaintiff's Counter Motion to Amend (Doc. #31) should be denied, and Defendant COSCO Container Lines Americas, Inc.'s Joinder in Defendant Gator's Motion to Dismiss (Doc. #32) should also be denied.

1 Specifically, the Court finds that Plaintiff has failed to demonstrate that  
2 either general or specific personal jurisdiction exists with respect to Defendant Gator  
3 Machinery Company, Inc. Plaintiff has not alleged, and the record does not support,  
4 a contention that Defendant Gator Machinery Company engaged in continuous and  
5 systematic general business contacts with Nevada which would confer general  
6 jurisdiction. Additionally, Plaintiff has failed to demonstrate that Defendant Gator  
7 Machinery Company engaged in acts or transactions within Nevada which  
8 purposefully availed Gator of the privilege of conducting business within the State of  
9 Nevada, or that Plaintiff's claims arise out of specific activity engaged in by  
10 Defendant Gator Machinery Company. Therefore, the Court finds that the exercise  
11 of specific jurisdiction as to Defendant Gator Machinery Company would be  
12 unreasonable. Inquires of this type are, however, specific to the conduct of a  
13 particular party defendant. As a result, the Court finds no basis to permit Co-  
14 Defendant COSCO to join in Defendant Gator's motion.

15 **IT IS THEREFORE ORDERED that** Defendant Gator Machinery  
16 Company Inc.'s Renewed Motion to Dismiss Plaintiff's Second Amended Complaint  
17 (Doc. #25) is **GRANTED**.

18 **IT IS FURTHER ORDERED that** Plaintiff's Counter Motion to  
19 Amend/Correct Complaint (Doc. #31) is **DENIED**.

20 **IT IS FURTHER ORDERED that** Defendant COSCO Container Lines  
21 Americas, Inc.'s Joinder in Gator's Motion to Dismiss (Doc. #32) is **DENIED**.

22  
23 DATED: December 28, 2010.

24  
25   
26 PHILIP M. PRO  
United States District Judge